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| 09/739,315 | 12/19/2000 | Mark J. Enzmann | BS00-066 | 2538 |
| 39262 | 7590 | 02/09/2005 | EXAMINER | |
| BELLSOUTH CORPORATION | | | SMITH, SHEILA B | |
| P.O. BOX 2903 | | | ART UNIT | |
| MINNEAPOLIS, MN 55402-0903 | | | PAPER NUMBER | |
| | | | 2681 | |

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,315

Applicant(s)

ENZMANN ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 2,10-12,14-16 and 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-9,13,17-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,3-9,13,17-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (U. S. Patent Number 6,662,014) ~~in view of well known prior art~~

Regarding claim 1, Walsh discloses all the claimed invention as set forth in the instant application, in addition Walsh discloses a location privacy manager for a wireless communication device and method therefor, further Walsh discloses a method for providing a location query service for use with a wireless network that tracks locations of network users, the method comprising receiving from a requestor a query asking for location information associated with a wireless network user (which reads on column 9 lines 10-12) forwarding to the wireless network user (102) a requestor (108) identification and a request for the requestor to receive the location information (which reads on column 9 lines 21-26 and exhibited in figure 8) receiving from the wireless network user (102) an approval for the requestor to receive the location information (which reads on column 9 lines 21-26); retrieving the location information associated with the wireless network user (which reads on column 9 lines 27-28); however Walsh fails to specifically disclose c) forwarding the location information to the requestor.

The examiner contends, however, that forwarding the location information to the requestor is well known in the art, and at the time of invention, it would have been obvious to a

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person of ordinary skill in the art to modify Walsh with the teaching of well known prior art, since Walsh does go to the trouble of verifying that the requestor is authorized to receive the information, that the information would be sent or forwarded to the requestor.

Regarding claim 3, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 1) additionally, Walsh discloses the identification is one of a user name, a telephone number, an Internet address, and an email address (which reads on column 2 lines 16-19).

Regarding claim 4, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 1) additionally, Walsh discloses receiving and the step of, forwarding comprise communications over a global computer network (which reads on column 3 lines 45-53).

Regarding claim 5, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 1) additionally, Walsh discloses receiving and the step of forwarding comprise communications over a Public Switched Telephone Network (which reads on column 4 lines 20-25).

Regarding claims 6-7, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 1) additionally, Walsh discloses retrieving the location information comprises identifying a wireless device associated with the wireless network user and determining a location of the wireless device (which reads on column 9 lines 10-12).

Regarding claim 8, Walsh in view of well known prior art discloses everything claimed, as applied above (see claims 1) additionally, Walsh discloses retrieving the location information

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comprises using a location system to determine the location of a network device associated with the wireless network user (which reads on column 3 lines 45-53).

Regarding claim 9, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 1) additionally, Walsh discloses retrieving the location information comprises consulting a location database that is periodically updated by a location system (which reads on column 3 lines 45-53).

Regarding claim 13, Walsh discloses a system for providing a location query service with a wireless network in communication with a plurality of wireless network devices, the system comprising: a wireless network in communication with a plurality of wireless network devices (which reads on column 3 lines 17-25); a location system in communication with the wireless network, the location system providing location information associated with the wireless network devices (which reads on column 3 lines 17-27); and a location server (which reads on 104) in communication with the wireless network and a requestors (which reads on column 9 lines 10-12), wherein the location server (which reads on 106) is operative to receive a location query for a network user from a requestor (which reads on column 9 lines 27-28), to send an access request to the network user about whom the requestor seeks location information so as to confirm that the requestor is authorized to receive the location information (which reads on column 9 lines 10-13), to retrieve the network user's (102) location information provided by the location system (which reads on column 9 lines 30-37) in response to confirmation from the network user that the requestor is authorized to receive the location information (which reads on column 3 lines 45-53). However Walsh fail to specifically disclose a) a plurality of wireless

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network devices and a plurality of requestors and b) forwarding the location information to the requestor.

The examiner contends however, that such a feature as a plurality of requesters is well known in the art, and the examiner takes official notice as such.

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify Walsh with well known prior art such as a plurality of requesters as described above for the purpose of allowing the location manager to communicate with the requestor and the wireless device.

The examiner also contends, however, that forwarding the location information to the requestor is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Walsh with the teaching of well known prior art, since Walsh does go to the trouble of verifying that the requestor is authorized to receive the information, that the information would be sent or forwarded to the requestor.

Regarding claim 17, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 13) additionally, Walsh discloses at least one of a handheld location system and a network based location system (which reads on column 3 lines 45-53).

Regarding claim 18, Walsh in view of well known prior art discloses everything claimed, as applied above (see claims 17) additionally, Walsh discloses the handheld location system is a global positioning system (which reads on column 3 lines 45-53).

Regarding claims 19-20, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 13) additionally, Walsh discloses the network based

location system is one of a Wireless Access Protocol location service and a triangulation system (which reads on column 2 lines 16-19).

Regarding claim 21, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 13) additionally, Walsh discloses a global computer network in communication with the location server and the plurality of requestors, wherein the global computer network facilitates communication between the location server and the plurality of requestors (which reads on column 3 lines 45-53).

Regarding claims 22-23, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 21) additionally, Walsh discloses the global computer network is the Internet (which reads on column 6 lines 58-62).

Regarding claim 24, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 1) additionally, Walsh discloses the message capabilities are one of audio based, text based, and graphical (which reads on column 6 lines 60-67).

Regarding claim 25, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 21) additionally, Walsh discloses the global computer network includes a graphical user interface through which the plurality of requestors can submit location queries (which reads on column 6 lines 58-62).

Regarding claims 26,27,34, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 23) additionally, Walsh discloses the requestor devices are Wireless Access Protocol compatible thin clients having thin browsers adapted to access the global computer network and to communicate with the location server (which reads on column 3 lines 45-53).

Regarding claims 28-29, Walsh discloses everything claimed, as applied above (see claim 13) additionally, Walsh discloses a Public Switched Telephone Network in communication with the location server and the plurality of requestors, wherein the Public Switched Telephone Network facilitates communication between the location server and the requestors (which reads on column 6 lines 58-62). However Walsh fail to specifically disclose a) a plurality of requestors.

The examiner contends, however, that forwarding the location information to the requestor is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Walsh with the teaching of well known prior art, since Walsh does goes through the trouble of verifying that the requestor is authorized to receive the information, that the information would be sent or forwarded to the requestor.

Regarding claims 30-33,35-37, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 1) additionally, Walsh discloses a location query service for use with a wireless network that tracks locations of network users, the location server comprising: a communication input adapted to receive a location query from a requestor (which reads on column 9 lines 30-33); a service logic processor (308) adapted to read the location query, to identify from the location query a network user about the requestor wishes to receive location information (which reads on column 5 lines 27-30), to obtain from the network user a confirmation that the requestor is authorized to receive the location information (which reads on column 9 lines 10-13) to obtain the location information of the network user if the authorization is obtained (which reads on column 5 lines 27-30). However Walsh fail to specifically disclose forwarding the location information to the requestor.

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The examiner contends, however, that forwarding the location information to the requestor is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Walsh with the teaching of well known prior art, since Walsh does go through the trouble of verifying that the requestor is authorized to receive the information, that the information would be sent or forwarded to the requestor.

Regarding claim 34, Walsh in view of well known prior art discloses everything claimed, as applied above (see claim 30) additionally, Walsh discloses the communication input and the communication output are compatible with one of a global computer network and a Public Switched Telephone Network (which reads on column 3 lines 45-53).

Response to Arguments

2. Applicant's arguments filed 9/24/2004 have been fully considered but they are not persuasive.

Regarding applicants arguments that Independent Claims 1, 13, and 30 now include the respective functional or structural limitations of forwarding a requestor's identification to the wireless network user, thereby allowing the wireless network user to approve the identified requestor to receive the location of the network user, the examiner contends that that limitation is still met the examiner refers the applicant to column 9 lines 16-18 the reference reads "the location privacy manager 106 determines whether or not an identity of the location-enabled service 108 (which reads on the requestor) is acceptable to the wireless communication device 102 (which reads on the wireless network user).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

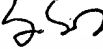
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

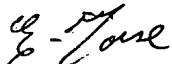
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
February 6, 2005


E. J. MOORE
PATENT EXAMINER